HON'BLE SRI JUSTICE P.S. NARAYANA

WRIT PETITION NO. 22029 OF 2007

DATE: 06.11.2007

Between:

B. Chitra Lekha, W/o D. Bheem Rao, aged 50 years, Occ. House wife.

...Petitioner

AND

1. Inspector of Police, CID (EOW) III Floor, DGP Office Complex, Lakadikapool, Hyderabad and one another

.....Respondents

HON'BLE SRI JUSTICE P.S. NARAYANA

WRIT PETITION NO. 22029 OF 2007

ORAL ORDER:

Heard the learned counsel.

The Writ Petition is filed for writ of Mandamus, declaring the action of the respondents in not returning the original sale deed bearing document No. 4519/79 dated 3.8.1979 registered in the office of the Sub-Registrar, Medchal, R.R. District to the petitioner as arbitrary, illegal violative of Article 14,21 and 300A of the Constitution of India and consequently direct the respondents to return the original sale deed bearing document No. 4519/79 dated 3.8.1979 registered in the office of the Sub-Registrar, Medchal, R.R. District to the petitioner.

Several facts have been narrated in the affidavit filed in support of the Writ Petition. It is also brought to the notice of this Court that in the letter dated 16.3.2007 addressed by the Standing Counsel to Sri K.M. Prasad, Inspector of Police, C.I.D.E.O.W, III Floor, DGP Office Complex, Lakdi-ka-pool, Hyderabad, the last portion, the endorsement made by the Inspector of Police CID (EOW), Hyderabad, reads as under:

> "Sir,
> Received the original title deed bearing No. 4519/79 from Ch. Nageswar Rao, InG.Vysya Bank Limited for investigation purpose. The title deed will be returned after completion of investigation at the earliest. The title deed contains six(6) sheets."

The main grievance of the petitioner is that though the loan amount had been discharged, the original title deeds are not being returned to the petitioner by the second respondent. The second respondent states that for the purpose of investigation and for comparison of signatures the said

document had been taken by the first respondent and if the same is returned to the second respondent-Banking Institution, the Banking Institution has no objection to deliver the document in question to the Writ Petitioner.

In the facts and circumstances inasmuch as the original title deed referred supra had been delivered by the second respondent for a limited purpose, therefore, the first respondent is hereby directed to deliver the same within a period of two weeks to the second respondent and it is needless to say that the second respondent is at liberty to deliver the said document in accordance with the rules to the petitioner within a period of four weeks thereafter.

The Writ Petition is disposed of accordingly. No order as to Costs.

P.S. NARAYANA, J

Date: 6.11.2007
KA
Note: Furnish copy in three days.